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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 ALVIN HENNINGTON, JR.

11 Plaintiff,

12 v.

13 FEDERAL BUREAU OF
INVESTIGATION,

14 Defendant.
15

Civil No.08cv1033 JAH (LSP)

**ORDER DENYING PLAINTIFF'S
MOTION FOR ENTRY OF
DEFAULT JUDGMENT
[Doc. No. 14]**


16 Plaintiff filed a document *nunc pro tunc* to August 14, 2008 entitled "Ex Parte
17 Application. . .Urgent Request." Upon review of the document, it appears Plaintiff is
18 seeking entry of default judgment in the amount of \$600 million dollars and entry of a
19 temporary injunction. This is Plaintiff's second request for entry of default judgment.
20 Upon finding the date for filing an answer had not passed and Plaintiff had not obtained
21 entry of default prior to seeking default judgment, the Court denied Plaintiff's previous
22 motion as premature.

23 Plaintiff is again improperly seeking entry of default judgment prior to obtaining
24 entry of default. Moreover, entry of default is not warranted. Default is entered when a
25 party fails to respond to a complaint. See FED.R.CIV. 55. Defendant has responded to the
26 complaint by filing a motion to dismiss. As such, Plaintiff's motion for default judgment
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1 is again premature and improper.¹

2 Based on the foregoing, IT IS HEREBY ORDERED Plaintiff's motion for default
3 judgment is **DENIED**.

4 DATED: August 21, 2008

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6 JOHN A. HOUSTON
7 United States District Judge
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28 ¹Any further failure to comply with the Federal Rules of Civil Procedure or orders of this Court may result in sanctions including dismissal of the case. See CivLR 83.1.